

Document No. 3973
Adopted at Meeting of 7/31/80
BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF ROBERT L. FORTES HOUSE, INC. FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER.ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION ORGANIZED PURSUANT TO M.G.L., C. 180, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CHARITABLE CORPORATION UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 p.m. on July 2, 1980 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated April , 1980, (hereinafter called the "Application"), filed by Robert L. Fortes House, Inc. for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on June 22, 1980, and June 30, 1980, in the Boston Herald American, a daily newspaper of general circulation published in Boston and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty, and James E. Cofield, Jr., members of the Authority, were present at the hearing.

B. The Project. The proposed development area is located on the corner of Shawmut Avenue and Northampton Street, known as 541 Shawmut Avenue in the Roxbury Section of Boston. A full metes and bounds description can be found in the Application.

The Project consists of the acquisition of the Project Area from the Applicant's parent corporation, the Greater Boston Development Corporation, and the renovation, operation and maintenance by the Applicant of 41 apartment units of housing for elderly and handicapped persons of low income.

All of the units shall be one bedroom, containing approximately 548 square feet of living space. Each apartment will be provided with a private "French Balcony". Individual thermostats will be provided for temperature control in each apartment. Each apartment will be equipped with a tub-shower combination with non-skid surfaces, thermostatically controlled water temperature, appropriately placed grab bars, an emergency call system and smoke detectors. In addition each apartment shall be furnished with ranges, refrigerators, kitchen exhaust fans, disposals, carpeting, lighting, and gas heat, cooking and hot water. Doorways will be wide enough to accommodate wheelchairs and walkers. Insulated glass will be used in all exterior glass doors and windows to reduce interior drafts and to control heating and cooling losses.

The Project will feature common areas containing the following amenities and appurtenances: lobby area with furnishings, congregate dining area which may also serve as a multi-purpose community area, full service kitchen adjacent to dining area, library, combination arts and crafts/recreation area, coatroom, mailbox area, front desk/reception area, laundry room with four washers and four dryers and adjacent lounge, manager's office, small health screening room, resident storage, and small lounge area on each residential floor.

The apartments in the Project will be occupied by low income, elderly individuals and the handicapped, all of whom shall be eligible for rental subsidies provided by the United States Department of Housing and Urban Development, pursuant to Section 8 of the U. S. Housing Act of 1937, as amended. The Project location, and its housing unit types are best suited to those persons who are capable of living in an independent setting with some on-site supportive services. Those on-site services will be coordinated with the supportive services of local community agencies, such as the Cooper Community Center, the Council of Elders, and the Mayor's Older Bostonians Program of the Boston City Hospital.

Attached to the Application as Exhibit 2 is a site plan for the Project Area and Exhibit 3 which is the floor plans and elevations for the building and outline specifications showing generally the character and quality to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for the elderly and handicapped.

The Project Area is decadent and substandard, as those terms are defined in Section 1 of Chapter 121A, because all of the buildings are presently not in use. Being vacant, it has been the subject of scavengers, vandals, and the criminal element in the neighborhood

surrounding the Project Area. Present economic conditions, and the unwillingness of private industry to locate in the Greater Roxbury area make it extremely unlikely and infeasible for private industry and enterprise to redevelop the Project Area.

Further, by virtue of broken glass, dust, litter, and potentially unsafe structures which are hazardous not only to children playing in the area, but also to the adult community, the Project Area has become detrimental to the safety, health, morals and welfare of the general public.

Extensive refurbishing of both the exterior and interior would be required prior to any occupancy. All utilities and systems must be replaced to provide electric service, plumbing, and heating to the building.

Also, as the Project Area is close to existing multi-family housing, the Project Area in its present state threatens the stability of the surrounding neighborhood, and as such is detrimental to the City of Boston, as well as those living near the Project Area.

The Site would not be developed without the real estate taxes being limited to a percentage of the project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under M.L. Chapter 121A and Chapter 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project Area is a blighted, decadent and substandard area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The minimum cost of the Project is presently estimated to be at least one million, six hundred sixty-one thousand, nine hundred (\$1,661,900.00) Dollars.

The Applicant, through its parent corporation, has received a conditional commitment from the United States Department of Housing and Urban Development for the construction and permanent loan financing of the total Project cost, all as determined by the United States Department of Housing and Urban Development pursuant to Section 202 of the Housing Act of 1959, as amended.

Such commitment is for 100% financing from the United States Department of Housing and Urban Development for the construction of the Project. However, it is anticipated that the Applicant will contribute approximately \$12,000 to the Project for closing costs, minimum capital investment, and miscellaneous soft costs.

Aside from the funds provided by the United States Department of Housing and Urban Development, any further funds required will be provided by the Applicant's parent corporation, Greater Roxbury Development Corporation.

The Applicant will pay 9% interest on the construction loan, and 8 1/2% interest on the permanent financing. The term of the permanent loan shall be 40 years, all as shown in Exhibit 5 in the Appendix to the Application, HUD Section 202 Conditional Commitment, so-called, as executed by Stephen Wasko, Deputy Director for Development, Housing Department.

Upon completion of the renovations, the Project will be the recipient of rental assistance under Section 8 of the United States Housing Act of 1937, as amended. The term of the Section 8 housing assistance payments, which pay the difference between 25% of a tenant's income and the fair market value of the rentals under the project, is 20 years.

The Applicant and the United States Department of Housing and Urban Development are the only entities or persons that will have any interest in the Project prior to completion of the Project. The Applicant's parent corporation owns the real estate that will comprise the Project. Greater Roxbury Development Corporation will sell the real estate to the Applicant for the sum of \$1.00 upon the Authority's determination that the Applicant is a 121A entity.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the area and will furnish attractive and necessary landscaping and provide much needed handicapped and elderly housing in the Roxbury neighborhood. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of regulations implementing the Massachusetts Environmental Policy Act, 301 CMR 10.32 (3)(h), the Project has been categorically excluded from the filing of any environmental report.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. Furthermore, if the rehabilitation involves any abrasive blasting, the contractor must submit an application for an Abrasive Blasting Permit to the

City of Boston Air Pollution Control Commission prior to initiation of such activity. However, in compliance with the historic preservation guidelines of the Secretary of the Interior, no abrasive blasting of exterior surfaces shall be permitted.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Exhibit 16 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit 16 the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the granting of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, G.L. c.38.

The Project Area does not include any land approved by the Massachusetts Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

J. Zoning Code Deviations. Exhibit N to the Application lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. The Applicant requests an extension of twenty five (25) years to the base term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A. This request is granted based upon the Project's receipt of financing from the United States Department of Housing and Urban Development pursuant to Section 202 of the United States Housing Act of 1959, as amended, and receipt of rent subsidies under Section 8 of the United States Housing Act of 1937, as amended, as the Project is involved with the rehabilitation of structures to provide low income housing for the elderly and the handicapped.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

EXHIBIT A

ZONING DEVIATIONS REQUESTED

Robert L. Fortes House, Inc.

Zoning Districts: L-2 and H-2

The following zoning deviations are requested for the project:

Section 13-4 - Dwellings in an L district must conform with the useable open space and yard requirements for the nearest S, R or H district (See deviations for Articles 17, 18, 19 and 20, below)

Article 15 - Building bulk - Maximum floor area ratio is 2.0. Existing condition is 3.9, proposed FAR is 4.25, an increase of 0.35.

Article 17 - Open space per dwelling unit - 150 sq. ft. per dwelling unit required; none provided. (Covered atrium does not qualify as open space)

Article 18 - Front yard - 20 feet required; none provided. (Existing condition)

Article 19 - Side yards - Northampton Street, 10 feet required; none provided. Northeasterly sideline, 15 feet required, none provided. (Existing condition)

Article 20 - Rear yard - 14 feet required; none provided. (Existing condition)

Article 23 - Off-street parking - 8 spaces required; none provided. (Existing condition)

MEMORANDUM

JULY 31, 1980

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF ROBERT L. FORTES HOUSE, INC.

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On July 17, 1980, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of the rehabilitation, operation and maintenance by the Applicant of 41 apartment units of housing for elderly and handicapped persons of low income on the corner of Shawmut Avenue and Northampton Street, known as 541 Shawmut Avenue in the Roxbury Section of Boston.

Authority staff has examined the application and found that it contained sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Robert L. Fortes House, Inc. for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Charitable Corporation Organized Pursuant to M.G.L. c. 180 and Approval to Act as an Urban Redevelopment Charitable Corporation Under Said Chapter 121A" be and hereby is approved and adopted.

